

**Introduced by Senator Scott**

February 22, 2005

---

An act to amend Sections 66010.7 and 67380 of, to add Chapter 12.5 (commencing with Section 67100) to Part 40 of, to repeal Sections 69563 and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 871, as introduced, Scott. Postsecondary education accountability: California Postsecondary Education Accountability Act of 2005.

(1) Existing law, the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Under existing law, there are 3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. The independent segment of higher education in the state is represented by the Association of Independent California Colleges and Universities.

Provisions of the Donahoe Higher Education Act are applicable to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

Among other things, the act establishes the California Postsecondary Education Commission (CPEC) for, among other

purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.

This bill would add the California Postsecondary Accountability Act of 2005 to the Donahoe Higher Education Act. The bill would establish a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians. The bill would specify the information to be collected through a statewide reporting system that the bill would establish.

This bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California and the Association of Independent California Colleges and Universities, to provide annual reports to the Legislature, CPEC, and the Governor, by October 1 of each year, beginning October 1, 2006, to become part of the state accountability record.

This bill would require CPEC to administer the postsecondary education accountability structure established by the bill. The bill would require CPEC to provide to the Legislature and the Governor, by November 15 of each year, beginning November 15, 2006, a report that includes an analysis of the data collected pursuant to the bill and an assessment of the progress the state is making within each of several specified policy areas.

This bill would also delete requirements in existing law for the production of reports by CPEC dealing with the effectiveness of intersegmental activities, the reporting of hate violence incidents, the review and evaluation of the Student Opportunity and Access Program, and the assessment of standardized tests of the state test subjects.

(2) Existing law establishes a higher education accountability program under which the University of California, the California State University, and the California Community Colleges are required to prepare a list of reports on a regular basis to the Legislature and to state agencies. Under the program, commencing on November 15, 1994, and each November 15 thereafter, the CPEC is required to submit a higher education report to the Legislature and the Governor that provides information on significant indicators of the performance of the public colleges and universities.

This bill would repeal this program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66010.7 of the Education Code is  
2 amended to read:  
3 66010.7. (a) The Legislature, through the enactment of this  
4 section, expresses its commitment to encourage and support  
5 collaboration and coordination among all segments of education.  
6 (b) Within the differentiation of segmental functions outlined  
7 in this article, the institutions of higher education shall undertake  
8 intersegmental collaboration and coordination particularly when  
9 it can do any of the following:  
10 (1) Enhance the achievement of the institutional missions  
11 shared by the segments.  
12 (2) Provide more effective planning of postsecondary  
13 education on a statewide basis.  
14 (3) Facilitate achievement of the goals of educational equity.  
15 (4) Enable public and independent higher education to meet  
16 more effectively the educational needs of a geographic region.  
17 (5) Facilitate student progress from one segment to another,  
18 particularly with regard to preparation of students for higher  
19 education as well as the transfer from the California Community  
20 Colleges to four-year institutions.  
21 (c) The leaders responsible for public and independent  
22 institutions of higher education and the Superintendent of Public  
23 Instruction shall work together to promote and facilitate the  
24 development of intersegmental programs and other cooperative  
25 efforts aimed at improving the progress of students through the  
26 educational systems and at strengthening the teaching profession  
27 at all levels.  
28 ~~(d) The California Postsecondary Education Commission shall~~  
29 ~~have responsibility for reviewing and evaluating the effectiveness~~  
30 ~~of intersegmental activities in accomplishing the established~~  
31 ~~goals, and shall report its findings to the Governor and~~  
32 ~~Legislature biennially.~~  
33 SEC. 2. Chapter 12.5 (commencing with Section 67100) is  
34 added to Part 40 of the Education Code, to read:

1 CHAPTER 12.5. THE CALIFORNIA POSTSECONDARY EDUCATION  
2 ACCOUNTABILITY ACT OF 2004  
3

4 67100. The Legislature finds and declares all of the following:

5 (a) Since the enactment of the Master Plan for Higher  
6 Education in 1960, California's system of postsecondary  
7 education has provided access and high quality educational  
8 opportunities that have fueled California's economic growth.

9 (b) A combination of factors now poses challenges for  
10 postsecondary education and for state policymakers in meeting  
11 the postsecondary education needs of Californians. Enrollment is  
12 growing, the demographics of the student body are changing,  
13 costs are rising, state support for postsecondary education is  
14 declining, student fees are increasing, access is being restricted,  
15 employers are expressing concerns about graduates' skills, and  
16 there is growing public demand to ensure that the state is making  
17 proper investments in postsecondary education.

18 (c) Although the public segments of postsecondary education  
19 have each developed their own institution-specific accountability  
20 efforts, they do not combine to reflect statewide policy goals that  
21 cut across all postsecondary education segments.

22 (d) In the absence of a statewide focus, the state has limited  
23 access to meaningful data that could serve as the basis for  
24 analysis on how the state is performing in key areas, and must  
25 make important fiscal and policy decisions without that  
26 knowledge.

27 67100.3. It is the intent of the Legislature that a postsecondary  
28 education accountability reporting structure contain all of the  
29 following elements:

30 (a) Be focused and strategic in its purpose.

31 (b) Be used wisely to serve as a tool to improve educational  
32 outcomes for Californians.

33 (c) Be used to support effective, data-driven policy and fiscal  
34 decisions.

35 (d) Acknowledge that not everything about the whole person  
36 can be measured, including the intangible learning capacities that  
37 students gain from college attendance.

38 (e) Recognize that students enter the system with different  
39 levels of preparation.

1 (f) Be used to identify and eliminate unnecessary and  
2 redundant reports submitted to the state by the various  
3 educational agencies and institutions to save resources, improve  
4 efficiency, and allow institutions to focus on their efforts on  
5 meeting state policy goals and their own related institutional  
6 goals.

7 (g) It is further the intent of the Legislature to eliminate,  
8 streamline, and reduce the frequency of reports that statutes  
9 require the California Postsecondary Education Commission  
10 (CPEC) to prepare that are either not appropriate to the central  
11 mission of CPEC or that do not address a critical state need in  
12 advancing public policy goals for higher education in California.

13 67100.5. (a) The State of California shall establish a  
14 statewide California Postsecondary Education Accountability  
15 (CPSEA) structure that provides the basis for an annual  
16 assessment of the progress made by the state's system of  
17 postsecondary education in meeting the educational needs of  
18 Californians.

19 (b) This CPSEA structure shall identify a select number of key  
20 indicators that measure progress toward four statewide public  
21 policy goals for postsecondary education in the following areas:

22 (1) Educational Opportunity:

23 (A) This goal envisions that all Californians have reasonable  
24 and equal opportunities to attend college.

25 (B) To measure progress in achieving this goal, the California  
26 Postsecondary Education Commission (CPEC) shall collect and  
27 analyze data on all of the following:

28 (i) College readiness among high school graduates.

29 (ii) College readiness among adults, including adult basic  
30 skills proficiency levels.

31 (iii) College affordability.

32 (2) Participation:

33 (A) This goal envisions that California higher education serve  
34 a large and diverse population.

35 (B) To measure progress in achieving this goal, CPEC shall  
36 collect and analyze data on all of the following:

37 (i) Postsecondary enrollment.

38 (ii) Capacity to serve eligible students.

39 (iii) Diversity of the college environment.

40 (3) Student Success:

1 (A) This goal envisions that California higher education  
2 prepare students well for life and work.

3 (B) To measure progress in achieving this goal, CPEC shall  
4 collect and analyze data on all of the following:

5 (i) Student success in completion of their educational goals,  
6 including the use of available transition data.

7 (ii) Student learning, as measured by indirect and direct  
8 measures, with the segments having the primary responsibility  
9 for collecting and analyzing direct measures of learning,  
10 including student success in acquiring core competencies.

11 (iii) Student and employer satisfaction.

12 (4) Public Benefits:

13 (A) This goal envisions that California higher education  
14 benefit the state and its people by providing meaningful  
15 participation in civic life and support of the state's economy.

16 (B) To measure progress in achieving this goal, CPEC shall  
17 collect and analyze data on all of the following:

18 (i) Personal income.

19 (ii) State economic development.

20 (iii) Social and civic life.

21 (c) The CPSEA structure shall establish a statewide reporting  
22 system that identifies a select number of key indicators to  
23 measure progress toward these state goals. The information  
24 provided by this system shall include all of the following:

25 (1) Statewide aggregate data, as described in this section.

26 (2) Regional data, reported by regions to be determined  
27 pursuant to advice from the CPSEA.

28 (3) Segmental data, provided by the public and independent  
29 nonprofit sectors pursuant to the process described in subdivision  
30 (a).

31 (4) A system-specific annual report to the Governor and the  
32 Legislature.

33 (d) The data for the indicators shall be collected statewide  
34 from a variety of sources, including information provided by the  
35 segments and the institutions within these segments. Each  
36 indicator shall provide information by race and ethnicity, gender,  
37 Cal Grant recipient status, and socioeconomic status, to the  
38 extent to which data is available. The indicators shall be adopted  
39 by the California Postsecondary Education Commission, which  
40 shall consult with representatives from the higher education

1 segments, state policymakers, the business community, and  
2 higher education students and faculty in the development,  
3 adoption, and revision of the indicators.

4 (e) Data collection for the statewide reporting system shall be  
5 implemented in two phases. Phase I of implementation shall  
6 report on existing data elements identified for the system that are  
7 currently collected, and shall go into effect with the annual report  
8 due on October 1, 2006. Phase II of implementation shall include  
9 development of new data elements not currently available.  
10 Development of the new data elements in Phase II shall begin on  
11 October 1, 2007, and go into effect with the annual report due on  
12 October 1, 2009.

13 (f) The Board of Governors of the California Community  
14 Colleges and the Trustees of the California State University are  
15 required to, and the Regents of the University of California and  
16 the Association of Independent California Colleges and  
17 Universities are urged to, provide annual reports to the  
18 Legislature, the California Postsecondary Education  
19 Commission, and the Governor, by October 1 of each year,  
20 beginning October 1, 2006, to become part of the state  
21 accountability record. These annual reports shall provide a key  
22 link between the state postsecondary education accountability  
23 reporting structure and segmental accountability efforts. These  
24 annual reports shall include all of the following:

25 (1) The segment's main priorities for each of the state's goal  
26 areas.

27 (2) The major activities underway to address each priority.

28 (3) The performance indicators used to track progress toward  
29 each goal.

30 (4) Major highlights or issues from the data that have  
31 state-level significance.

32 (5) The segment's institutional goals for student learning  
33 outcomes, including core competencies and the capacity to learn;  
34 how they assess progress toward these goals; what they are  
35 learning from their assessments; and how they are using their  
36 assessments to improve learning.

37 67100.7. The CPSEA structure is guided by the following set  
38 of principles:

39 (a) A state-level accountability structure is designed to help  
40 policymakers develop, maintain, and fund a postsecondary

1 education system that meets the state's goals, recognizes the  
2 differentiated missions of each segment of postsecondary  
3 education, and guides the segments toward maintaining effective  
4 institutions consistent with state goals and institutional missions.

5 (b) The CPSEA structure is designed to be simple, yet  
6 meaningful.

7 (c) Policymakers and governing boards are collectively  
8 accountable for meeting public goals for higher education.

9 (d) The state-level reporting system is designed to contain  
10 only data that helps policymakers to assess progress toward state  
11 goals and to make appropriate policy and funding decisions and  
12 interventions.

13 (e) Monitoring progress toward state goals is largely the  
14 responsibility of state policymakers. Monitoring the performance  
15 of individual colleges and universities is primarily the  
16 responsibility of instructional governing boards.

17 (f) The ongoing responsibility of the governing boards is to  
18 monitor and be accountable for the performance of individual  
19 colleges and universities for meeting statewide policy goals,  
20 segmental and institutional missions and goals, and for the  
21 quality of the education of its students.

22 (g) The data shall be communicated publicly in a concise  
23 manner that conveys clearly the relevance of each measure to  
24 state policy and fiscal choices.

25 (h) The data from each segment of postsecondary education  
26 shall be submitted electronically, and shall be compatible with  
27 guidelines established by the California Postsecondary Education  
28 Commission, in consultation with the segments.

29 67101. For the purposes of this chapter, the segments of  
30 postsecondary education are defined as the California  
31 Community Colleges, the California State University, the  
32 University of California, and the Association of Independent  
33 California Colleges and Universities.

34 67102. The California Postsecondary Education Commission  
35 (CPEC) shall be responsible for administering the postsecondary  
36 education accountability structure. In this capacity, CPEC shall  
37 develop, and, in consultation with segmental representatives,  
38 periodically may revise, as necessary, the data elements to be  
39 collected, and shall collect and interpret the data. CPEC shall  
40 provide an annual report to the Legislature and the Governor by



1 November 15 of each year, beginning November 15, 2006. The  
2 report shall include CPEC's independent assessment of the  
3 progress being made at the statewide level for each of the policy  
4 indicators. The report may also include CPEC's comments on  
5 segmental implementation and oversight of the statewide  
6 accountability reporting. The report shall, at a minimum, include  
7 an analysis of key indicators, as specified by subdivision (b) of  
8 Section 67100.5, on a statewide, regional, and segmental basis as  
9 specified by Section 67100.5.

10 67103. In implementing the requirements of this chapter, the  
11 California Postsecondary Education Commission and any other  
12 affected state agency shall ensure that no additional mandates are  
13 imposed on local agencies. Any new activities required to  
14 implement this chapter shall be offset by a commensurate  
15 reduction in other existing redundant or unnecessary information  
16 requirements.

17 SEC. 3. Section 67380 of the Education Code is amended to  
18 read:

19 67380. (a) The governing board of each community college  
20 district, the Trustees of the California State University, the Board  
21 of Directors of the Hastings College of the Law, the Regents of  
22 the University of California, and the governing board of any  
23 postsecondary institution receiving public funds for student  
24 financial assistance shall do all of the following:

25 (1) Require the appropriate officials at each campus within  
26 their respective jurisdictions to compile records of both of the  
27 following:

28 (A) All occurrences reported to campus police, campus  
29 security personnel, or campus safety authorities of, and arrests  
30 for, crimes that are committed on campus and that involve  
31 violence, hate violence, theft or destruction of property, illegal  
32 drugs, or alcohol intoxication.

33 (B) All occurrences of noncriminal acts of hate violence  
34 reported to, and for which a written report is prepared by,  
35 designated campus authorities.

36 (2) Require any written record of a noncriminal act of hate  
37 violence to include, but not be limited to, the following:

38 (A) A description of the act of hate violence.

39 (B) Victim characteristics.

40 (C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

For

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

~~(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or~~

~~regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, transmit a report containing a compilation of that information to the California Postsecondary Education Commission no later than January 1 of each year, commencing January 1, 1993. The commission shall submit a report to the Legislature and the Governor on July 1, 1993, and every two years thereafter, on the type and number of incidents of hate violence occurring in institutions of public higher education in California. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the California Postsecondary Education Commission, the Department of Fair Employment and Housing, and the California Association of Human Rights Organizations. The report shall include, but not be limited to, the following:~~

~~(A) A comparison of incidents occurring in the year being reported to previous years for which there is hate violence data.~~

~~(B) To the extent possible, a comparison of incidents of hate violence occurring at community colleges, the California State University, the Hastings College of the Law, the University of California, and postsecondary institutions receiving funds for student financial assistance with incidents occurring at colleges and universities in other states and private universities in California.~~

~~(C) Findings and recommendations to the Legislature on the means of addressing hate violence at community colleges, the California State University, the Hastings College of the Law, the University of California, and postsecondary institutions receiving public funds for student financial assistance.~~

~~(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against~~

1 any institution that refuses to provide the information, and the  
2 court shall award that person an amount not to exceed one  
3 thousand dollars (\$1,000) if the court finds that the institution  
4 refused to provide the information.

5 (c) For purposes of this section, “hate violence” means any act  
6 of physical intimidation or physical harassment, physical force or  
7 physical violence, or the threat of physical force or physical  
8 violence, that is directed against any person or group of persons,  
9 or the property of any person or group of persons because of the  
10 ethnicity, race, national origin, religion, sex, sexual orientation,  
11 disability, or political or religious beliefs of that person or group.

12 (d) This section does not apply to the governing board of any  
13 private postsecondary institution receiving funds for student  
14 financial assistance with a full-time enrollment of less than 1,000  
15 students.

16 (e) This section shall apply to a campus of one of the public  
17 postsecondary educational systems identified in subdivision (a)  
18 only if that campus has a full-time equivalent enrollment of more  
19 than 1,000 students.

20 (f) Notwithstanding any other provision of this section, this  
21 section shall not apply to the California Community Colleges  
22 unless and until the Legislature makes funds available to the  
23 California Community Colleges for the purposes of this section.

24 SEC. 4. Section 69563 of the Education Code is repealed.

25 ~~69563. The California Postsecondary Education Commission~~  
26 ~~shall periodically review and evaluate the Student Opportunity~~  
27 ~~and Access Program as part of the commission’s regular~~  
28 ~~assessment of student academic development programs in the~~  
29 ~~state. The commission shall include in the evaluation an~~  
30 ~~assessment of the admission, progress, retention, and graduation~~  
31 ~~of program participants from postsecondary institutions.~~

32 SEC. 5. Section 99155 of the Education Code is repealed.

33 ~~99155. By May 1, 1990, and every two years thereafter, the~~  
34 ~~commission shall prepare and submit a biennial report regarding~~  
35 ~~standardized tests of the state’s test subjects to the Governor, the~~  
36 ~~Legislature, the Regents of the University of California, the~~  
37 ~~Board of Governors of the California Community Colleges, the~~  
38 ~~Trustees of the California State University, and the~~  
39 ~~Superintendent of Public Instruction. This report shall include a~~  
40 ~~descriptive summary of existing data and information submitted~~

1 to the commission pursuant to Section 99153, including all of the  
2 following:

3 (a) ~~The number of California students taking standardized~~  
4 ~~tests.~~

5 (b) ~~The performance of California test subjects.~~

6 (c) ~~The number of California students, by ethnicity and~~  
7 ~~gender, who participate in advance placement classes in~~  
8 ~~secondary schools and take preliminary standardized college~~  
9 ~~admission tests.~~

10 (d) ~~The predictive validity of test scores as specified in~~  
11 ~~subdivision (i) of Section 99153.~~

12 (e) ~~A description of the information specified in subdivisions~~  
13 ~~(a), (b), and (d) according to the sex and ethnicity of test subjects.~~

14 (f) ~~The revenues received by test sponsors, and the proportion~~  
15 ~~of those revenues expended for test development and~~  
16 ~~administration.~~

17 The commission shall also report on the progress in increasing  
18 the number of Hispanic, Black, and American Indian students  
19 who graduate from high school eligible to enroll in either the  
20 University of California or the California State University. The  
21 testing companies shall cooperate with the commission in the  
22 sharing of available information and the development of policy  
23 recommendations for strengthening the college preparatory  
24 curriculum and increasing the availability of test preparation  
25 activities for students from ethnic groups traditionally  
26 underrepresented in postsecondary education. The commission  
27 shall present specific recommendations on (1) methods to  
28 remove the inappropriate obstacles that standardized college  
29 admissions tests may provide in precluding some students from  
30 obtaining regular admission to public colleges and universities  
31 and (2) strategies to involve the testing companies in cooperative  
32 actions with the schools, colleges, and universities to expand  
33 access to college for Hispanic, Black, and American Indian  
34 students.

35 SEC. 6. Chapter 4.5 (commencing with Section 99180) of  
36 Part 65 of the Education Code is repealed.